

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
**Pro Se [Non-Prisoner] Complaint Form**

FILED  
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*Enter the full name of the plaintiff in this action*

Joshua Lee Ferguson

Civil Action No. \_\_\_\_\_  
(to be assigned by Clerk)

v.

*Enter below the full name of defendant(s) in this  
action. If possible, please list only one defendant  
per line.*

Nationwide Credit, Inc.;  
OSI Collection Services, Inc.;  
Washington Mutual Finance, LLC, &  
American Express Company

*If allowed by statute, do you wish to have a trial by jury?* Yes ☒ No ☐

**I. PREVIOUS LAWSUITS**

A. *Have you begun other lawsuits in state or federal court dealing with the same facts involved  
in this action?*

Yes ☐ No ☒

B. *If your answer to A is Yes, describe the lawsuit in the space below. If there is more than one lawsuit, describe the additional lawsuits on another piece of paper using the same outline.*

1. *Parties to this previous lawsuit:*

*Plaintiff:* \_\_\_\_\_

*Defendant(s):* \_\_\_\_\_

2. *Court:* \_\_\_\_\_  
*(If federal court, name the district; if state court, name the county)*

3. *Docket Number:* \_\_\_\_\_

4. *Name(s) of Judge(s) to whom case was assigned:* \_\_\_\_\_

5. *Status of Case:* \_\_\_\_\_  
*(For example, was the case dismissed? Settled? Appealed? Still Pending?)*

6. *Date lawsuit was filed:* \_\_\_\_\_

7. *Date of disposition (if concluded):* \_\_\_\_\_

C. *Do you have any other lawsuits pending in the federal court in South Carolina?*

Yes ☐ No ☒

## II. PARTIES

*In Item A below, place your name and address in the space provided. Do the same for additional plaintiffs, if any.*

A. *Name of Plaintiff:* \_\_\_\_\_

*Address:* \_\_\_\_\_

*In Item B below, place the full name of the defendant; and his, her, or its address, in the space provided. Use Item C for additional defendants, if any.*

B. *Name of Defendant:* \_\_\_\_\_

*Address:* \_\_\_\_\_

- C. *Additional Defendants (provide the same information for each defendant as listed in Item B above):*

### III. STATEMENT OF CLAIM

*State here, as briefly as possible, the facts of your case. Describe how each defendant is involved. Include also the name(s) of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets if necessary.*

#### Intentional Infliction of Emotional Distress

Donna Garrison with OSI Collection Services, Inc, and Darrel Rodriguez of Nationwide Credit, Inc, both engaged in the intentional infliction of emotional distress against the plaintiff. On January 14, 2008, the mother of the plaintiff Elizabeth Ann Ferguson, received a phone call from Donna Garrison with OSI Collection Services, Inc, saying that she could not get in contact with me and requested my number. The plaintiff's mother informed Ms. Garrison that she would take her number and have her son contact her. That evening the plaintiff called Ms. Garrison to find out that the account holder for the American Express card the plaintiff was an authorized user of had told Ms. Garrison the plaintiff has opened the account fraudulently. Ms. Garrison failed to investigate this fact and when speaking to the plaintiff she told him that the credit cards were sent to my address. The plaintiff informed Ms. Garrison that the cards had been sent to Linda Nichols locked apartment mailbox and not his address. It was at that time Ms. Garrison accused the plaintiff of breaking into the mailbox and stealing the cards. Ms. Garrison told the plaintiff that if he did not pay the \$26,000 dollar bill owed to American Express then she would be contacted the police and she would have the plaintiff as well as the plaintiffs family investigated for fraud.

The plaintiff was crying during the conversation and tried numerous times to explain to Ms. Garrison that he did not open these accounts and was not responsible for the payment of these accounts and that he had done nothing wrong or illegal. After speaking with Ms. Garrison, the plaintiff in an emotional wreck, took an overdose of medication in an attempt to kill himself. In his suicide letter he wrote that he did not want his family to have to go through the stress of an investigation and that he felt if he killed himself things this would go away and his family would be ok. He stated that nobody believed him and he did not know how to make them.

On January 19,2008, while the plaintiff was still hospitalized Donna Garrison again called the plaintiffs mother and tried to get her to pay the debt. The plaintiff has been contacted numerous times since by OSI Collection Services, Inc.

### III. STATEMENT OF CLAIM - *continued.*

On January 21, 2008, the plaintiff received a phone call from a Darrel Rodriguez with Nationwide Credit, Inc. Mr. Rodriguez stated that he was trying to collect on another American Express account owned by Linda Nichols and that she had stated she had opened the account but felt like the plaintiff "stiffed" her on payment. Mr. Rodriguez was informed by the plaintiff that he did not owe the money and that he was not able to discuss this as only a few days earlier he had attempted suicide. It was at that time that Mr. Rodriguez laughed at the plaintiff and said why would you commit suicide over only a collection account. Mr. Rodriguez further escalated the plaintiffs emotions by saying he was going to call Linda Nichols and him, her, and the plaintiff talk on three way and try to work this out. The more the plaintiff tried to talk to Mr. Rodriguez the louder he would speak and talk over the client until the plaintiff hung up on him. The plaintiff has received many calls since from Nationwide Credit, Inc.

On November 28, 2007, the plaintiff received a phone call from Tricina with Washington Mutual, who left the plaintiff a voicemail regarding a Washington Mutual card that Linda Nichols had opened. In the voicemail she accuses the plaintiff of fraudulently opening the card in Linda Nichols name and says that if he does not call her back and provide her with his social security number so that she can transfer the debt into his name then she will contact the police.

#### Blackmail

On November 28, 2007, the plaintiff received a phone call from Tricina with Washington Mutual, who left the plaintiff a voicemail regarding a Washington Mutual card that Linda Nichols had opened. In the voicemail she accuses the plaintiff of fraudulently opening the card in Linda Nichols name and says that if he does not call her back and provide her with his social security number so that she can transfer the debt into his name then she will contact the police.

#### Fraud (Intentional Misrepresentation)

OSI Collection Services, Inc, Nationwide Credit Inc, and Washington Mutual, all committed fraud by intentionally misrepresenting that the plaintiff owed a debt that belonged solely to Linda Nichols.

#### Defamation

OSI Collection Services, Inc, Nationwide Credit Inc, and American Express, have all contacted third parties and went into detail about an account that the plaintiff did not owe causing me great embarrassment and defaming my character.

#### Unauthorized Credit Checks

OSI Collection Services, Inc, Nationwide Credit Inc, American Express, and Washington Mutual, have all checked the plaintiffs credit report without my authorization thereby, illegally obtaining information about the plaintiff they should not have had access to.

#### Violations of the Fair Debt Collection Practices Act

Section 804: Defendants OSI Collection Services, Inc, and Nationwide Credit Inc, have violated section 804 of the FDCPA by stating to a third party that the plaintiff in their opinion owes a debt, and they communicated more than once with that person, the plaintiffs mother, even though by law they were not allowed to. The defendants also continued to contact the plaintiff even after the plaintiff obtained legal representation and after three Cease and Desist letters were sent to all the defendants; OSI Collection Services, Inc, Nationwide Credit Inc, Washington Mutual, and American Express.

Section 805: The defendant Nationwide Credit, Inc, has violated section 805 of the FDCPA by calling the plaintiff when it is known to be inconvenient to the plaintiff and has called the plaintiff after 9 o'clock EST. The defendants also violated this section by contacting the plaintiff when they were aware of the fact that the plaintiff had legal representation by an attorney.

Section 806: The defendants OSI Collection Service Inc, and Nationwide Credit, Inc, both violated section 806 of the FDCPA by harassing the plaintiff when they knew the plaintiff did not owe the debt for which they were trying to collect. They would also call the plaintiff from privately blocked numbers so the plaintiff would not know who was calling. OSI Collection Services Inc and Washington Mutual both made threats to the client that they would contact the police unless the client paid money.

Section 807: The defendants OSI Collection Service, Inc, and Washington Mutual violated Section 807 of the FDCPA by threatening to take legal action against the plaintiff when they knew they could not do so. The defendants also used false representation that nonpayment of the debt would result in the plaintiff being arrested and spending up to ten years in prison.

**IV. RELIEF.**

*State briefly and exactly what you want this court to do for you.*

I would like the court to compensate me for pain and suffering caused by the series of events described above, for the intentional infliction of emotional distress that caused me to nearly take my life. The harassment, the defamation, and do a monetary punishment of them for violations of the FDCPA and for attempting to blackmail me into paying a debt that I do not owe. I would also like to be compensated for the scarring I have to my body from the suicide attempt, for the recovery I had to go through for months, and the problems I still have from the suicide attempt.

***I declare under penalty of perjury that the foregoing is true and correct.***

Signed this 24th day of March, 2009.

  
\_\_\_\_\_  
Signature of Plaintiff